

## CURRICULUM VITAE

### JOHN BOOKER WHISTON

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#### **EDUCATION:**

Juris Doctor (with high honors), University of Montana School of Law, Missoula, Montana, June, 1984. Class rank: 7/70. Awards in Criminal Law, Contracts and Appellate Advocacy.

Bachelor of Arts, Yale University, New Haven, Connecticut, June, 1970.

#### **LEGAL PROFESSIONAL ACCOMPLISHMENTS:**

Clinical Professor, University of Iowa College of Law, Clinical Legal Program 1997- date.  
Herschel G. Langdon Clinical Professor of Trial Advocacy. 2008 – date. See below.

Assistant Tribal Public Defender, Confederated Salish and Kootenai Tribes, Pablo, Montana, June-September, 2007.

Partner, Rossbach & Whiston, P.C., Missoula, MT. 1984 to 1997. Of counsel, 1993 to 1997. Member of a two person firm responsible for litigation in the areas of personal injury, employment and personnel law, and medical issues. Martindale-Hubbell "bv" rating.

Admitted to practice law before:

Supreme Court of the United States, November, 2011

Montana Supreme Court, October, 1984.

United States District Court, District of Montana, October, 1984.

Iowa Supreme Court, October, 1994.

United States District Courts, Southern and Northern District of Iowa, October, 1994.

Ninth Circuit Court of Appeals, San Francisco, California, May, 1990.

Eighth Circuit Court of Appeals, St. Louis, Missouri, August, 1994.

Confederated Salish and Kootenai Tribal Court, Pablo, Montana. June 2007.

Member:

American Bar Association, 1983 to date

Association of American Law Schools (Section on Clinical Legal Education), 1994 to date

Clinical Legal Education Association, 1994 to date  
Iowa State Bar Association, 1994 to date.  
Johnson County Bar Association, 1997 to date.  
Association of American Trial Lawyers, 1981 to 1994, 1998 to date.  
Montana Trial Lawyers Association, 1981 to 1994.  
Member, State Amicus Curiae Committee, 1989 to 1993.  
Public Service Award, 1992.  
Dean Mason Ladd American Inn of Court (Cedar Rapids, IA), 1995 to date  
President 2009-10

**TEACHING EXPERIENCE:**

Herschel G. Langdon Clinical Professor of Trial Advocacy, University of Iowa, College of Law.  
Current. Clinical Professor 200-2008. Associate 1997-2000. Visiting 1994 to 1997  
Clinical practice in general clinic, with emphasis on prisoner rights and criminal defense cases. Provided faculty supervision for clinical externs. Supervised College trial advocacy programs. Taught clinical classroom component and academic classes: Workers' Compensation (3 cr.), Evidence (3 cr.), Deposition Practice (2 cr.).

Adjunct Professor, University of Iowa College of Law, 1994  
Trial Advocacy intersession class.

Visiting Assistant Professor, University of Montana School of Law, 1993.  
Sole responsibility for teaching Torts II (3 credits, 75 first-year students).

Adjunct Faculty, University of Montana School of Law, 1984-1991.  
Taught in numerous classes and programs, including one semester of first year legal writing.

National Business Institute of Minneapolis, MN, 1989-1990.  
Principal presenter for one day seminars on Workers' Compensation Law.

Montana Arbitration Association, 1987-1991.  
Panel participant on labor law issues at annual seminars.

World of Work Program, 1977.  
Principal teacher for summer-long program funded by the U.S. Department of Labor and administered by the Montana State AFL-CIO, instructing disadvantaged high school students in work-readiness skills.

Adjunct Faculty, University of Montana, 1975-1977.  
Extension courses in U.S. labor history.

**ADDITIONAL WORK EXPERIENCE:**

Laborer in woods products industry, 1974-1981, including four years at Champion International Plywood, Bonner, MT. Officer and negotiator for Local 3038, Lumber Production Workers Union, AFL-CIO, representing 1,000 employees.

Harvard University, Cambridge, Massachusetts, 1973-1974. Librarian at School of Architecture

**UNIVERSITY AND CIVIC ACTIVITIES:**

College of Law Committee responsibilities:

- ABA Accreditation, Self Study Committee, 1999-2000
- Curriculum Committee, 1998-99, 2006-2008
- Admissions Committee, 1997-2010, Chair, 2011-12.
- LAWR Promotion Committee, Chair, 2010-11.
- Internal Procedures, 2008-2009 (co-chair)
- Curriculum and Externship Committee, 2004 - 2006
- Student Recruitment and Academic Support Committee, 1997-99
- Scope Committee, 2002-2003

University Activities:

- Human Subjects Institutional Review Boards:
  - Board 01 (medical), Board 02 (social sciences), 1997 to date.
- University Research Misconduct Committee, 2005-06.
- Faculty Senate/UISG Joint Task Force on Student Arrest Rate, 2003-2004.
- Provost's Alcohol Alternatives Work Group. 2007-2008

Johnson County Bar Association, Grievance Committee, 2000 to 2005.

Iowa Supreme Court, Court Improvement Project,  
Educational Opportunity Grant Steering Committee, 2006-2009.

Iowa Supreme Court. Children's Justice Initiative.  
Committee on the Interstate Compact on the Placement of Children. 2007

Iowa Supreme Court, Advisory Committee on Rules of Civil Procedure. 2006- date

Iowa Supreme Court, Civil Justice Reform Task Force, Steering Committee. 2009 - date

Secretary/Treasurer, Education for Development, Inc., (non-profit organization promoting East African education) 2004 - 2011.

Member, University of Iowa Triangle Club, 1997-2000

Board member, Jeanette Rankin Peace Resource Center, Missoula, MT, 1992-1993.

Board member, Sussex School, Missoula, MT, 1990-1991.

Member, Missoula County Blue Ribbon Task Force on Social Services, 1989.

Board member, Child and Family Resource Council, Missoula, MT, 1982-1985.

Executive Committee, Missoula County Democratic Central Committee, 1980-1983.

**REPRESENTATIVE PUBLISHED APPELLATE DECISIONS:**

Stern v. Stern, 639 F.3d 449 (8<sup>th</sup> Cir. 2011).

State v. Nail and Kucera, 2007 WL 4554261 (Iowa 2007).

State v. Brockman, 725 N.W.2d 653 (Iowa Ct. App. 2006).

State v. Huss, 666 N.W.2d 152 (Iowa 2003).

Gavin v. Branstad, 122 F.3d 1081 (8<sup>th</sup> Cir. 1997) cert. denied, 524 U.S. 955 (1998).

Goff v. Burton, 91 F.3d 1188 (8<sup>th</sup> Cir. 1996).

Bassette v. Stone Container, Corp., 25 F.3d 757 (9<sup>th</sup> Cir. 1994).

**LECTURES, PRESENTATIONS AND SEMINARS:**

Johnson County Criminal Defense Group. “Driving While Black; Recent ICPD Statistics.  
December 21, 2011.

Communication Workers of America, Central Region Seminar, “Why the Supreme Court Should  
Matter to Union Members,” Iowa City, September 14, 2010.

Iowa Legal Aid, In-house training, “Direct and Cross of Domestic Abuse Expert Witnesses, Des  
Moines, July 26 and August 20, 2010.

Communication Workers of America, Central Region Seminar, “Why the Supreme Court Should

Matter to Union Members,” Iowa City, September 22, 2009.

Communication Workers of America, Central Region Seminar, “Why the Supreme Court Should Matter to Union Members,” Des Moines, September 22, 2008.

Cedar Valley Society of Human Resource Managers, “Recent Developments in Iowa Worker’s Compensation.” November 14, 2006.

UI College of Law Evidence CLE, “Crawford and Davis: A Sea-Change in Confrontation Clause Law.” October 27, 2006.

UI College of Law Fall CLE series, “Litigation Techniques.” November 19, 2005.  
“Recent Developments in Rule 404(b).”

Communication Workers of America, District 7 Leadership Conference, September 19, 2005.  
Iowa City,  
“The Supreme Court: Why Union Members Should Care.”

University of Iowa Labor Center, Annual Worker’s Compensation Seminar, March 18, 2005.  
“Recent Developments in California and Other States.”

University of Iowa Labor Center, Annual Worker’s Compensation Seminar, April 11, 2003.  
“Recent Developments Around the Country.”

Iowa Judicial Institute. “Lustful Disposition: Recent Developments in Character Evidence,” Iowa City, August 16, 2002.

University of Iowa Health Center, Department of Orthopedics, Clinical Conference,  
“Introduction to Workers’ Compensation Law,” June 1, 2001.

University of Iowa Labor Center, Annual Worker’s Compensation Seminar, June 6, 2001.  
“Recent Developments Around the Country.”  
“Special Problems With Repetitive Motion Claims.”

Johnson County Criminal Defense Group, “Recent Developments in Prison Litigation,” Feb. 7, 2001.

Legal Service Corporation of Iowa, Litigation Workshop (Iowa City),  
“Complex Discovery Practice,” Nov. 9, 2000.  
“Trial Skills,” Oct. 13-14, 2001

AALS Clinical Section Conf. (Albuquerque, NM), Concurrent Session, “Prison Litigation,” May 7, 2000.

University of Iowa Labor Center, Annual Workers’ Compensation Program, “State to State

Decline in Coverage," April 18, 2000.

University of Iowa Labor Center, Annual Workers' Compensation Program, "National Developments in Workers' Compensation," April 21, 1999.

University of Iowa College of Law, Evidence CLE, "Recent Developments in Federal and State Evidence Law," September 4, 1998.

Iowa Association of Workers' Compensation Lawyers, Annual Seminar (Des Moines), "Burdens of Proof: Changing Rules and Shifting Burdens," October 16, 1997.

University of Iowa College of Law, Faculty Colloquium, "Separation of Powers and the Prison Litigation Reform Act of 1995," January 16, 1997.

Legal Services Corporation of Iowa, Family Law Workshop (Iowa City), "Cross-examination of Experts," December 5, 1996.